



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,544	04/15/2004	Yutaka Nagao	251896US6	6525
22850 7590 06/20/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WORJLOH, JALATEE	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 06/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/824,544	Applicant(s) NAGAO, YUTAKA	
	Examiner Jalatee Worjloh	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 have been examined.

Claim Rejections - 35 USC § 112

2. Claims 3-8 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 3 recites “if said second license information is found by said license identification information to be the license information to be overwritten, said linking means writes a part or all of said second license information over said first license information”, but does not state what happens if the second license information is not found by the license identification information to be the license information to be overwritten.

4. Claim 4 recites “if said second license information is found by said license identification information to be the license information to be added, the linking means adds a part or all of said second license information to said first license information”, but does not state what happens if the second license information is not found by the license identification information to be the license information to be added.

5. As for claim 5, what is the “key information unique to said information processing apparatus”?

6. Claim 6 recites, “if said first license information and said second license information each include right contents for specifying a period limitation and said second license information is found by said license identification information to be license information to be added, said

Art Unit: 3621

linking means links said first license information with said license information by a rule based on said right contents of said first license", but does not state what happens if the information is not found by the license information to be license information to be added.

7. Claim 7 recites, "if said first license information and said second license information each include rights contents specifying a flag and said second license information is found by said license information to be license information to be added, said linking means links said first license information with said second license information by a rule based on said right contents of said first license information", but does not state what happens if the information is not found by said license information.

8. Claim 8 recites, "if said first license information and said second license information each include right contents for specifying a count and said second license information is found by said license identification information to be added, said linking means links said first license information with said second license information by a rule based on said right contents of said first license information", but does not state what happens if it is not found by said license identification information.

9. Claim 10 recites, "if said second license information is found by said license identification information to be overwritten in said determining step, a part or all of said second license information is written over a part or all of said first license information in said linking step", but does not state what happens if it is not found by said license identification information is to be overwritten.

10. Claim 11 recites, "if said second license information is found by said license identification information to be license information to be added in said determining step, a part

Art Unit: 3621

or all of said second license information is added to said first license information in said linking step”, but does not state what happens if it is not found by the license identification to be license information to be added.

11. Claim 12 recites, “if said first license information and said second license information each include right contents for specifying a period limitation and said identification information is found by said license identification information to be license information to be added in said determining step, said first license information is linked with said second license information by a rule based on said right contents of said first license information in said linking step”, but does not state what happens if it is not found by said license information to be added.

12. Claim 13 recites, “if said first license information and said second license information each include right contents for specifying a flag and said second license information is found by said license identification information to be license information to be added in said determining step...”, but does not state what happens if the second license information is not found by said license identification information to be license information to be added.

13. Claim 14 recites, “if said first license information and said second license information each include right contents for specifying a count and said second license information is found by said license identification information to be license information to be added...”, but does not state that happens if it is not found to be added.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1, 2, 9 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7110985 to Chase et al. ("Chase").

Referring to claim 1, Chase discloses storage means for storing first license information (see col. 3, lines 13-20 & col. 4, lines 8-19 – the storage device stores the license, which includes rights information), receiving means for receiving second license information (the computing device receives the modification string), linking means for linking a part or all of said second license information with said first license information (the modification string is placed in the license carrier), wherein said content information is used within a range of license information obtained by linking said first license information obtained by linking said first license information with said second license information by said linking means (the content is used based on the modification string, which is within the range) (see claim 1 & col. 4, lines 20-50).

Referring to claim 2, Chase discloses the apparatus wherein said second license information includes license identification information indicative whether said second license information is license information to be overwritten or license information to be added (see col.

Art Unit: 3621

4, lines 27-36 – the modification string includes the identifying indicia and a modification script including a set of instructions to be processed with respect to the license).

Referring to claim 9, Chase discloses storing first license information, receiving second license information, determining on the basis of license identification information for determining one of overwrite and add attributes whether said second license information received in said receiving step is license information to be overwritten or license information to be added and linking a part of all of said second license information with said first license information on the basis of a result of the attribute determination made in said determining step, wherein said content information is used within a range of license information obtained by linking said first license information with said second license information in said linking step (see claims 1 & 2 above).

Claim 15 is a system that performs the process of claim 1 above; therefore, this claim is rejected on the same rationale as claim 1 above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 3, 4, 6-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase as applied to claim 2 above, and further in view of US Publication No. 2002/0026424 to Akashi.

Referring to claim 3, Chase discloses second license information (see claim 2 above –

Art Unit: 3621

modification string). Chase does not expressly disclose wherein if said second license information is found by said license identification information to be the license information to be overwritten, said linking means writes a part or all of said second license information over said first license information. Akashi discloses overwriting license information (see paragraph [0044]). As for overwriting the first license information with the second license information this is considered nonfunctional descriptive material. The overwriting step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to overwrite information with any type of content because of the subjective interpretation of the data does not patentably distinguish the claimed invention.

Referring to claim 4, Chase discloses second license information (see claim 2 above – modification string). Chase does not expressly disclose wherein if said second license information is found by said second license identification information to be the license information to be added, the linking means adds a part or all of said license information to said first license information. Akashi discloses overwriting license information (see paragraph [0044]). As for adding the second license information to the first license information, the overwriting concept of Akashi in combination with the modification script including the instruction set of Chase will allow such process to occur. Thus, at the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus taught by Chase to include the apparatus wherein if said second license information is found by

Art Unit: 3621

said second license identification information to be the license information to be added, the linking means adds a part or all of said license information to said first license information. One of ordinary skill in the art would have been motivated to do this because the correct contents use condition can be retained (see paragraph [0045] of Akashi).

Claims 6-8, 12-14 are rejected on the same rationale as claim 4 above.

Claims 10 and 11 are method claims that performs the process in claims 3 and 4, respectively; therefore, these claims are rejected on the same rationale as claims 3 and 4 above.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chase as applied to claim 1 above.

Chase discloses a license including a digital signature (see col. 3, lines 13-20). Chase does not expressly disclose the use of key information unique to said information processing apparatus, an electronic signature is appended to license information obtained by linking said first license information with said second license information by said linking means. Akashi discloses overwriting license information (see paragraph [0044]). As for appending electronic signature to the license information, the overwriting concept of Akashi in combination with the modification script including the instruction set of Chase will allow such process to occur. Thus, at the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the apparatus taught by Chase to include the apparatus wherein by the use of key information unique to said information processing apparatus, an electronic signature is appended to license information obtained by linking said first license information with said second license information by said linking means. One of ordinary skill in the art would have been motivated to

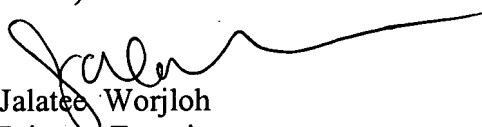
Art Unit: 3621

do this because the correct contents use condition can be retained (see paragraph [0045] of Akashi).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jalatee Worjloh
Primary Examiner
Art Unit 3621

June 10, 2007